

REMARKS

Restriction Requirement:

The Office Action sets forth a requirement for restriction between
Group I, Claims 1-54, drawn to methods for identifying a
chemoattractant receptor antagonist, classified in class 435, subclass 7.1;
and

Group II, Claims 55-60, drawn to a kit comprising a cell migration
apparatus and a chemokine, classified in Class 435, subclass 283.1.

The Office Action set forth a requirement for restriction between Groups I and II. Applicants traverse the required restriction on grounds set forth below. In the event that the restriction requirement is maintained, Applicants provisionally elect Group I, Claims 1-54, drawn to methods for identifying a chemoattractant receptor antagonist. Applicants note that new claims 61 and 62 relate and/or depend from the elected claims 1 and 28, respectively, which are included in Group I. Accordingly, claims 61 and 62 are also included in Group I.

Group II is stated by the Office Action to be directed to an apparatus, which apparatus can be alternatively used for assessment of tumor invasiveness, without providing any support in technical or patent literature. Applicants respectfully note that Group II is directed to a kit that includes an apparatus *inter alia*, and not to an apparatus *per se*. An element of any claim may indeed, without surprise, have alternate uses; however, the kit described in the claims of Group II has only the one use as far as applicants know, to perform the claimed method. As such, claim 55 was amended to clarify that the kit is for detecting chemokine receptor antagonist.

Accordingly, in view of the lack of a showing therein that the subject matter of the restriction groups form separate subjects for inventive effort, Applicants submit that appropriate reasoning for dividing among related inventions has not been provided. See MPEP 808.02.

Moreover, whereas the patentable distinctions of the subject matter set forth in the claims remain clear, Applicants further submit that the subject matter of the

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required search is sufficiently small and closely related as to be capable of being examined together. Also, the search would not be an additional burden on the Examiner. Withdrawal is therefore respectfully requested.

If, for any reason, the Examiner feels that an interview would be helpful to resolve any remaining issues, she is respectfully requested to contact the undersigned at (312) 245-5398.

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Respectfully submitted,



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